## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UN	NITED STATES OF AMERICA,	)				
	Plaintiff,	) 8:05CR288 )				
	vs.	) DETENTION ORDER				
AL	LEN GREEN,	)				
	Defendant.	)				
A.	Order For Detention  After conducting a detention hearing purs Reform Act, the Court orders the above-number of the Court (i).	• ( )				
B.	<ul> <li>Statement Of Reasons For The Detention         The Court orders the defendant's detention because it finds:         X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required.         X By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community.     </li> </ul>					
C. Finding Of Fact  The Court's findings are based on the evidence which was presented in court and that which was contained in the Pretrial Services Report, and includes the following X (1) Nature and circumstances of the offense charged:  X (a) The crime: Distribution of Crack Coaine						
	penalty of40 years (b) The offense is a crime ofX (c) The offense involves a second control of the second control o					
	may affect whe The defendant The defendant	<del>_</del>				

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	The defendant is not a long time resident of the community.
_ X	The defendant does not have any significant community
	ties.
	Past conduct of the defendant:
	The defendant has a history relating to drug abuse.
X	The defendant has a history relating to alcohol abuse.  The defendant has a significant prior criminal record.
	The defendant has a prior record of failure to appear at
/I.V. A. d.	court proceedings.
(b) At the	e time of the current arrest, the defendant was on:  Probation
<del></del>	Parole
	Release pending trial, sentence, appeal or completion of
(a) Oth a	sentence.
(c) Othe	The defendant is an illegal alien and is subject to
	deportation.
	The defendant is a legal alien and will be subject to
	deportation if convicted.  The Bureau of Immigration and Customs Enforcement
	(BICE) has placed a detainer with the U.S. Marshal.
<u>X</u>	Other: Use of Aliases or false Identification
` ` ,	and seriousness of the danger posed by the defendant's
release are	as follows:
V (5) Pobuttoble	Drocumptions
X (5) <u>Rebuttable</u> In determini	ng that the defendant should be detained, the Court also
relied on the	e following rebuttable presumption(s) contained in 18 U.S.C.
	hich the Court finds the defendant has not rebutted:
、 ,	no condition or combination of conditions will reasonably re the appearance of the defendant as required and the
	y of any other person and the community because the Court
finds	that the crime involves:
	<ul><li>(1) A crime of violence; or</li><li>(2) An offense for which the maximum penalty is life</li></ul>
	imprisonment or death; or
_X	
	maximum penalty of 10 years or more; or

			(4)	A felony after the defendant had been convicted of two or more prior offenses described in (1) through (3) above, <u>and</u> the defendant has a prior conviction for one of the crimes mentioned in (1) through (3) above which is less than five years old and which was committed while the defendant was on pretrial release.
_	<u>X</u> (b)	(b) That no condition or combination of conditions will reasonab		
		assure	the a	appearance of the defendant as required and the
		safety of the community because the Court finds that there is		
		probable cause to believe:		
		·X	(1)	That the defendant has committed a controlled
			( )	substance violation which has a maximum penalty of
				10 years or more.
			(2)	That the defendant has committed an offense under
			(-)	18 U.S.C. § 924(c) (uses or carries a firearm during
				and in relation to any crime of violence, including a
				crime of violence, which provides for an enhanced
				punishment if committed by the use of a deadly or
				dangerous weapon or device).

## D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

- The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: August 24, 2005

BY THE COURT:

s/ F. A. Gossett United States Magistrate Judge